

Overview of Changes, IDAPA 37.02.03, WSB Rules Redline v4

Scope, Rule 001 - Remove wording in scope that is historic information, unnecessary, or repetitive from statute or elsewhere described further in rule.

Definitions, Rule 010 – Move ‘person’ in alphabetical order and remove ‘Year’ definition; correct sentence structure for ‘Local Committee’ and ‘Rental Pool’ definitions; adjust definition for ‘Person’ and ‘Water Right’ consistent with Rules of Appropriation, IDAPA 37.03.08.

Update all instances of IC ‘42-1763A’ with IC ‘42-1763B,’ ‘A’ sunset in 1995 and ‘B’ was passed the same year to replace it. There are 7 references to this statute within the WSB rules. (Lease 25.01x2, 25.05.c, Rentals 30.06.c & 30.06.d moved from 30.03 above, and Rental Pools 40.01.i and j)

Acquisition of Water Rights for the Board’s Bank, Rule 025 – 25.01 General, removed unnecessary wording, and added ‘or amend an existing contract’ to ensure amendments to approved contracts are submitted as though they are new applications with the filing fee.

25.02 – Application - Reduced wording or modified language to be consistent with Idaho Code for transfers and/or Rules of Appropriation, move ‘lease filing fee deposit into the Water Administration Account’ to Rule 035 - money handling

25.03 – ‘Review’ removed, covered within ‘Inadequate Application’ and 25.04.i (renumbered).

25.03 (renumbered) - Inadequate Application’ language modified similar to same steps within Water Appropriation Rules

25.05 – ‘Consideration’ removed, covered within ‘Criteria’ and ‘Resolution of Board’

Sale or Rental of Water Rights from the Board’s Bank, Rule 030 – 30.01 General, language removed was repeated later or earlier, or moved to new subsections ‘Application’ under Rule 030.02 or ‘Application Evaluation Criteria, Rule 030.06.

Added, 30.02 - ‘Application’– structure similar to Rule 025 to create consistency between both application processes for required information– Expected to reduce processing times, reduce confusion from representatives and applicants by setting clear expectations and requirements.

Also, 30.02.d - ‘Historic use calculations’ under application for rental of specific leased rights if proposal changes the nature of use of leased right, consistent with the department rental application requirement and IDWR transfer processing guidance memo for changes in nature of use evaluations.

Add 30.03 - ‘Inadequate Application’, same as Acquisition in Rule 025, again for consistency and clear requirements to reduce long processing times.

Remove 30.03 - ‘Approval’ – move language to within 30.08 – ‘Criteria’

Modify 30.05 (renumbered) - ‘Consideration’ from ‘announced date’ to ‘November 1’ deadline for priority processing consistent with the Bank operating calendar and staff availability prior to upcoming irrigation season

Add 30.06 – ‘Application Evaluation Criteria’ –use structure from ‘Lease Criteria’ and requirements, language from 30.01-General and Idaho Code 42-1763 – Rentals from the Bank.

Remove 30.07 – ‘Order of Consideration’ – order of consideration is first the closest available rights from same source as rental request and with the same nature of use.

Handling of Money with the Board’s Bank, Rule 035 - Language from fees received for lease application filing fees is moved here from Rule 25.02. Structure clarifies appurtenant fee rule and deposit account. Remove unnecessary statement that this does not apply to fees received under Rule 40 – Rental Pools.